

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

IN RE:

ACandS, Inc.

Debtors.

Case No. 02-12687 (KG)

**Re: Docket Nos. 3810, 3814, 3816, 3839, 3841**

HONEYWELL INTERNATIONAL INC.,

Appellant,

v.

THE NORTH AMERICAN  
REFRATORIES COMPANY ASBESTOS  
PERSONAL INJURY SETTLEMENT  
TRUST ADVISORY COMMITTEE,

Appellee.

Case No. 16-1078 (LPS)

BAP No. 16-59

FORD MOTOR COMPANY,

Appellant,

v.

THE NORTH AMERICAN  
REFRATORIES COMPANY ASBESTOS  
PERSONAL INJURY SETTLEMENT  
TRUST ADVISORY COMMITTEE,

Appellee.

Case No. 16-1099 (LPS)

BAP No. 16-68

IN RE:

Armstrong World Industries, Inc.

Debtors.

Case No. 00-4471 (KG)

**Re: Docket Nos. 10876, 10880, 10881, 10904, 10906**

HONEYWELL INTERNATIONAL INC.,

Appellant,

v.

THE NORTH AMERICAN  
REFRATORIES COMPANY ASBESTOS  
PERSONAL INJURY SETTLEMENT  
TRUST ADVISORY COMMITTEE,

Appellee.

Case No. 16-1084 (LPS)

BAP No. 16-54

FORD MOTOR COMPANY,

Appellant,

v.

THE NORTH AMERICAN  
REFRATORIES COMPANY ASBESTOS  
PERSONAL INJURY SETTLEMENT  
TRUST ADVISORY COMMITTEE,

Appellee.

Case No. 16-1100 (LPS)

BAP No. 16-63

IN RE:

Combustion Engineering, Inc.

Debtors.

Case No. 03-10495 (KG)

**Re: Docket Nos. 3562, 3566, 3567, 3592, 3594**

HONEYWELL INTERNATIONAL INC.,

Appellant,

v.

THE NORTH AMERICAN  
REFRACTORIES COMPANY ASBESTOS  
PERSONAL INJURY SETTLEMENT  
TRUST ADVISORY COMMITTEE,

Appellee.

Case No. 16-1081 (LPS)

BAP No. 16-60

FORD MOTOR COMPANY,

Appellant,

v.

THE NORTH AMERICAN  
REFRACTORIES COMPANY ASBESTOS  
PERSONAL INJURY SETTLEMENT  
TRUST ADVISORY COMMITTEE,

Appellee.

Case No. 16-1101 (LPS)

BAP No. 16-69

IN RE:

The Flintkote Company

Debtors.

Case No. 04-11300 (KG)

**Re: Docket Nos. 9398, 9402, 9403, 9429, 9430**

HONEYWELL INTERNATIONAL INC.,

Appellant,

v.

THE NORTH AMERICAN  
REFRACTORIES COMPANY ASBESTOS  
PERSONAL INJURY SETTLEMENT  
TRUST ADVISORY COMMITTEE,

Appellee.

Case No. 16-1079 (LPS)

BAP No. 16-61

FORD MOTOR COMPANY,

Appellant,

v.

THE NORTH AMERICAN  
REFRACTORIES COMPANY ASBESTOS  
PERSONAL INJURY SETTLEMENT  
TRUST ADVISORY COMMITTEE,

Appellee.

Case No. 16-1102 (LPS)

BAP No. 16-70

IN RE:

Kaiser Aluminum Corp.

Debtors.

Case No. 02-10429 (KG)

**Re: Docket Nos. 10415, 10419, 10420, 10443, 10444**

HONEYWELL INTERNATIONAL INC.,

Appellant,

v.

THE NORTH AMERICAN  
REFRATORIES COMPANY ASBESTOS  
PERSONAL INJURY SETTLEMENT  
TRUST ADVISORY COMMITTEE,

Appellee.

Case No. 16-1094 (LPS)

BAP No. 16-58

FORD MOTOR COMPANY,

Appellant,

v.

THE NORTH AMERICAN  
REFRATORIES COMPANY ASBESTOS  
PERSONAL INJURY SETTLEMENT  
TRUST ADVISORY COMMITTEE,

Appellee.

Case No. 16-1103 (LPS)

BAP No. 16-67

IN RE:

Owens Corning

Debtors.

Case No. 00-3837 (KG)

**Re: Docket Nos. 21173, 21177, 21178, 21203, 21204**

HONEYWELL INTERNATIONAL INC.,

Appellant,

v.

THE NORTH AMERICAN  
REFRACTORIES COMPANY ASBESTOS  
PERSONAL INJURY SETTLEMENT  
TRUST ADVISORY COMMITTEE,

Appellee.

Case No. 16-1080 (LPS)

BAP No. 16-53

FORD MOTOR COMPANY,

Appellant,

v.

THE NORTH AMERICAN  
REFRACTORIES COMPANY ASBESTOS  
PERSONAL INJURY SETTLEMENT  
TRUST ADVISORY COMMITTEE,

Appellee.

Case No. 16-1104 (LPS)

BAP No. 16-62

IN RE:

US Mineral Products Company

Debtors.

Case No. 01-2471 (KG)

**Re: Docket Nos. 4159, 4163, 4164, 4187, 4188**

HONEYWELL INTERNATIONAL INC.,

Appellant,

v.

THE NORTH AMERICAN  
REFRATORIES COMPANY ASBESTOS  
PERSONAL INJURY SETTLEMENT  
TRUST ADVISORY COMMITTEE,

Appellee.

Case No. 16-1093 (LPS)

BAP No. 16-57

FORD MOTOR COMPANY,

Appellant,

v.

THE NORTH AMERICAN  
REFRATORIES COMPANY ASBESTOS  
PERSONAL INJURY SETTLEMENT  
TRUST ADVISORY COMMITTEE,

Appellee.

Case No. 16-1105 (LPS)

BAP No. 16-56

IN RE:

USG Corp.

Debtors.

Case No. 01-2094 (KG)

**Re: Docket Nos. 12774,12778, 12779, 12802, 12803**

HONEYWELL INTERNATIONAL INC.,

Appellant,

v.

THE NORTH AMERICAN  
REFRACTORIES COMPANY ASBESTOS  
PERSONAL INJURY SETTLEMENT  
TRUST ADVISORY COMMITTEE,

Appellee.

Case No. 16-1092 (LPS)

BAP No. 16-56

FORD MOTOR COMPANY,

Appellant,

v.

THE NORTH AMERICAN  
REFRACTORIES COMPANY ASBESTOS  
PERSONAL INJURY SETTLEMENT  
TRUST ADVISORY COMMITTEE,

Appellee.

Case No. 16-1106 (LPS)

BAP No. 16-65

IN RE:

W.R. Grace & Co.

Debtors.

Case No. 01-1139 (KG)

**Re: Docket Nos. 32788, 32793, 32794, 929605,  
929606**



HONEYWELL INTERNATIONAL INC.,

Appellant,

v.

THE NORTH AMERICAN  
REFRATORIES COMPANY ASBESTOS  
PERSONAL INJURY SETTLEMENT  
TRUST ADVISORY COMMITTEE,

Appellee.

Case No. 16-1096 (LPS)

BAP No. 16-55

FORD MOTOR COMPANY,

Appellant,

v.

THE NORTH AMERICAN  
REFRATORIES COMPANY ASBESTOS  
PERSONAL INJURY SETTLEMENT  
TRUST ADVISORY COMMITTEE,

Appellee.

Case No. 16-1098 (LPS)

BAP No. 16-64

**CROSS-APPELLANT AND APPELLEE NORTH AMERICAN REFRATORIES  
COMPANY ASBESTOS PERSONAL INJURY SETTLEMENT TRUST ADVISORY  
COMMITTEE'S STATEMENT OF ISSUES TO BE PRESENTED ON  
CROSS-APPEAL AND DESIGNATION OF ADDITIONAL ITEMS TO BE  
INCLUDED IN THE RECORD ON APPEAL AND CROSS-APPEAL**

The North American Refractories Company Asbestos Personal Injury Settlement Trust Advisory Committee (“**NARCO TAC**”), by and through its undersigned counsel, hereby submits, pursuant to Rule 8009 of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”), its statement of issues to be presented on the cross-appeal and designation of additional items to be included on the record on appeal and cross-appeal with respect to (i) the *Order* (the

“**Order**”)<sup>1</sup> and (ii) the *Opinion re Motion of Honeywell International, Inc. for Access to Rule 2019 Exhibits* (the “**Opinion**”),<sup>2</sup> each entered by the Bankruptcy Court on November 8, 2016, and (iii) all adverse orders rulings, decrees, opinions, and judgments leading up to, merged into, or included within the Order or the Opinion.

### **ISSUES TO BE PRESENTED ON CROSS-APPEAL**

The NARCO TAC states the following issues on cross-appeal:

1. Did the Bankruptcy Court err in allowing Honeywell and Ford access to the Rule 2019 Exhibits, which contain sensitive and personally-identifying information of individuals?
2. Did the Bankruptcy Court err in determining that Honeywell and Ford had a purpose for accessing the Rule 2019 Exhibits that was not improper?

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<sup>1</sup> The Order was filed in: Case No. 02-12687 at Docket No. 3810; Case No. 00-04471 at Docket No. 10876; Case No. 03-10495 at Docket No. 3562; Case No. 04-11300 at Docket No. 9398; Case No. 02-10429 at Docket No. 10415; Case No. 00-03837 at Docket No. 21173; Case No. 01-02471 at Docket No. 4159; Case No. 01-02094 at Docket No. 12774; and Case No. 01-01139 at Docket No. 32788.

<sup>2</sup> The Opinion was filed in: Case No. 02-12687 at Docket No. 3809; Case No. 00-04471 at Docket No. 10875; Case No. 03-10495 at Docket No. 3561; Case No. 04-11300 at Docket No. 9397; Case No. 02-10429 at Docket No. 10414; Case No. 00-03837 at Docket No. 21172; Case No. 01-02471 at Docket No. 4158; Case No. 01-02094 at Docket No. 12773; and Case No. 01-01139 at Docket No. 32787.

**ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL AND CROSS-APPEAL**

The NARCO TAC designates the following items to be included in the record on appeal and cross-appeal, consisting of entries on the dockets in the above-captioned cases relevant to the issues on appeal and cross-appeal.

**Relevant Items from *In re ACandS, Inc.*, No. 02-12687**

<b>D.I.</b>	<b>Date Filed</b>	<b>Description</b>
3720	3/7/2013	Order Requiring Clerk to Retain 2019 Statements and Exhibits
3722	3/20/2013	(COPY FROM DISTRICT COURT) Order Implementing Opinion and Order Reversing Bankruptcy Court Orders and Granting Garlock Sealing Technologies LLC Access to 2019 Exhibits
3731	4/12/2013	Affidavit of Karl Schieneman in Connection with Proposed Appointment as Special Master Pursuant to the Order Establishing Protocol for Production of 2019 Exhibits
3745	6/25/2014	Affidavit re E-Discovery Special Master Filed by Karl Schieneman
3842	12/6/2016	Cross Appeal
3844	12/6/2016	Cross Appeal
3858	12/15/2016	Motion for Reconsideration

**Relevant Items from *In re Armstrong World Industries, Inc.*, No. 00-04471**

<b>D.I.</b>	<b>Date Filed</b>	<b>Description</b>
10781	3/7/2013	Order Requiring Clerk to Retain 2019 Statements and Exhibits
10783	3/20/2013	(COPY FROM DISTRICT COURT) Order Implementing Opinion and Order Reversing Bankruptcy Court Orders and Granting Garlock Sealing Technologies LLC Access to 2019 Exhibits
10792	4/12/2013	Affidavit of Karl Schieneman in Connection with Proposed Appointment as Special Master Pursuant to the Order Establishing Protocol for Production of 2019 Exhibits
10907	12/6/2016	Cross Appeal
10909	12/6/2016	Cross Appeal
10925	12/15/2016	Motion for Reconsideration

**Relevant Items from *In re Combustion Engineering, Inc.*, No. 03-10495**

<b>D.I.</b>	<b>Date Filed</b>	<b>Description</b>
3475	3/7/2013	Order Requiring Clerk to Retain 2019 Statements and Exhibits
3477	3/20/2013	(COPY FROM DISTRICT COURT) Order Implementing Opinion and Order Reversing Bankruptcy Court Orders and Granting Garlock Sealing

<b>D.I.</b>	<b>Date Filed</b>	<b>Description</b>
		Technologies LLC Access to 2019 Exhibits
3486	4/12/2013	Affidavit of Karl Schieneman in Connection with Proposed Appointment as Special Master Pursuant to the Order Establishing Protocol for Production of 2019 Exhibits
3499	6/25/2014	Affidavit re E-Discovery Special Master Filed by Karl Schieneman
3587	12/1/2016	Certification of Counsel Regarding Order Granting Motion of Honeywell International Inc. for Stay Pending Appeal of the 2019 Order
3595	12/6/2016	Cross Appeal
3597	12/6/2016	Cross Appeal
3611	12/15/2016	Motion for Reconsideration

**Relevant Items from *In re The Flintkote Company*, No. 04-11300**

<b>D.I.</b>	<b>Date Filed</b>	<b>Description</b>
7416	3/7/2013	Order Requiring Clerk to Retain 2019 Statements and Exhibits
7509	4/12/2013	Affidavit of Karl Schieneman in Connection with Proposed Appointment as Special Master Pursuant to the Order Establishing Protocol for Production of 2019 Exhibits
8294	6/25/2014	Affidavit re E-Discovery Special Master Filed by Karl Schieneman
9347	7/26/2016	Response in Opposition to Honeywell International Inc. and Ford Motor Company's Motion For Access to Rule 2019 Exhibits Filed by Jacobs & Crumplar, P.A.
9424	12/1/2016	Certification of Counsel Regarding Order Granting Motion of Honeywell International Inc. for Stay Pending Appeal of the 2019 Order
9432	12/6/2016	Cross Appeal
9434	12/6/2016	Cross Appeal
9448	12/15/2016	Motion for Reconsideration

**Relevant Items from *In re Kaiser Aluminum Corporation*, No. 02-10429**

<b>D.I.</b>	<b>Date Filed</b>	<b>Description</b>
10306	4/12/2013	Affidavit of Karl Schieneman in Connection with Proposed Appointment as Special Master Pursuant to the Order Establishing Protocol for Production of 2019 Exhibits
10332	6/25/2014	Affidavit re E-Discovery Special Master Filed by Karl Schieneman
10438	12/1/2016	Certification of Counsel Regarding Order Granting Motion of Honeywell International Inc. for Stay Pending Appeal of the 2019 Order Filed by Honeywell International, Inc.
10446	12/6/2016	Cross Appeal
10448	12/6/2016	Cross Appeal
10462	12/15/2016	Motion for Reconsideration

**Relevant Items from *In re Owens Corning*, No. 00-03837**

<b>D.I.</b>	<b>Date Filed</b>	<b>Description</b>
21067	3/7/2013	Order Requiring Clerk to Retain 2019 Statements and Exhibits
21069	3/20/2013	(COPY FROM DISTRICT COURT) Order Implementing Opinion and Order Reversing Bankruptcy Court Orders and Granting Garlock Sealing Technologies LLC Access to 2019 Exhibits
21078	4/12/2013	Affidavit of Karl Schieneman in Connection with Proposed Appointment as Special Master Pursuant to the Order Establishing Protocol for Production of 2019 Exhibits
21096	6/25/2014	Affidavit re E-Discovery Special Master Filed by Karl Schieneman
21197	12/1/2016	Certification of Counsel Regarding Order Granting Motion of Honeywell International Inc. for Stay Pending Appeal of the 2019 Order Filed by Honeywell International, Inc.
21206	12/6/2016	Cross Appeal
21208	12/6/2016	Cross Appeal
21222	12/15/2016	Motion for Reconsideration

**Relevant Items from *In re USG Corporation*, No. 01-02094**

<b>D.I.</b>	<b>Date Filed</b>	<b>Description</b>
12680	3/7/2013	Order Requiring Clerk to Retain 2019 Statements and Exhibits
12683	3/20/2013	(COPY FROM DISTRICT COURT) Order Implementing Opinion and Order Reversing Bankruptcy Court Orders and Granting Garlock Sealing Technologies LLC Access to 2019 Exhibits
12692	4/12/2013	Affidavit of Karl Schieneman in Connection with Proposed Appointment as Special Master Pursuant to the Order Establishing Protocol for Production of 2019 Exhibits
12707	6/25/2014	Affidavit re E-Discovery Special Master Filed by Karl Schieneman
12797	12/1/2016	Certification of Counsel Regarding Order Granting Motion of Honeywell International Inc. for Stay Pending Appeal of the 2019 Order Filed by Honeywell International, Inc.
12805	12/6/2016	Cross Appeal
12807	12/6/2016	Cross Appeal
12821	12/15/2016	Motion for Reconsideration

**Relevant Items from *In re United States Mineral Products Company*, No. 01-02471**

<b>D.I.</b>	<b>Date Filed</b>	<b>Description</b>
3988	3/7/2013	Order Requiring Clerk to Retain 2019 Statements and Exhibits
3990	3/20/2013	(COPY FROM DISTRICT COURT) Order Implementing Opinion and Order Reversing Bankruptcy Court Orders and Granting Garlock Sealing Technologies LLC Access to 2019 Exhibits

<b>D.I.</b>	<b>Date Filed</b>	<b>Description</b>
3999	4/12/2013	Affidavit of Karl Schieneman in Connection with Proposed Appointment as Special Master Pursuant to the Order Establishing Protocol for Production of 2019 Exhibits
4023	6/25/2014	Affidavit re E-Discovery Special Master Filed by Karl Schieneman
4181	12/1/2016	Certification of Counsel Regarding Order Granting Motion of Honeywell International Inc. for Stay Pending Appeal of the 2019 Order
4190	12/6/2016	Cross Appeal
4192	12/6/2016	Cross Appeal
4206	12/15/2016	Motion for Reconsideration

**Relevant Items from *In re W.R. Grace & Co.*, No. 01-01139**

<b>D.I.</b>	<b>Date Filed</b>	<b>Description</b>
29454	8/14/2012	Order (MODIFIED) Requiring Filing of Statements Pursuant to Fed. R. Bankr. P. 2019
30366	3/6/2013	(COPY FROM DISTRICT COURT) Opinion Regarding Appeal of Bankruptcy Orders and Order of the Bankruptcy Court in the nine asbestos-related cases are REVERSED; the Judicial Notice Motion is GRANTED
30379	3/7/2013	Order Requiring Clerk to Retain 2019 Statements and Exhibits
30404	3/18/2013	(COPY FROM DISTRICT COURT) CORRECTED OPINION re appeal of Bankruptcy Orders
30416	3/20/2013	(COPY FROM DISTRICT COURT) Order Implementing Opinion and Order Reversing Bankruptcy Court Orders and Granting Garlock Sealing Technologies LLC Access to 2019 Exhibits
30510	4/12/2013	Affidavit of Karl Schieneman in Connection with Proposed Appointment as Special Master Pursuant to the Order Establishing Protocol for Production of 2019 Exhibits
32258	6/25/2014	Affidavit re E-Discovery Special Master Filed by Karl Schieneman
929599	12/1/2016	Certification of Counsel Regarding Order Granting Motion of Honeywell International Inc. for Stay Pending Appeal of the 2019 Order
929608	12/6/2016	Cross Appeal
929610	12/6/2016	Cross Appeal
320802	12/15/2016	Motion for Reconsideration

Dated: December 19, 2016

**A.M. SACCULLO LEGAL, LLC**

/s/ Thomas H. Kovach

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